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From: Smith, Art
Sent: Sat 1/18/2014 12:49:39 AM
Subject: Fw: WV - Freedom Chemical Spill -LEG UPDATE

From: Kelly, Jack (R3 Phila.)
Sent: Friday, January 17, 2014 6:51:45 PM
To: Werner, Lora; Markiewicz, Karl; Gilbert, John; Smith, Art; Borries, Samuel; Caporale, Cynthia
Subject: Fw: WV - Freedom Chemical Spill -LEG UPDATE

Just fyi.....

From: Ferrell, Mark
Sent: Friday, January 17, 2014 6:45:57 PM
To: binetti, victoria; Garvin, Shawn; Early, William; Hodgkiss, Kathy; Melvin, Karen; White, Terri-A; Smith, Bonnie; duteau, helen; Kelly, Jack (R3 Phila.); Jarvela, Steve; Matlock, Dennis; Burns, Francis
Cc: Arguto, William; Wisniewski, Patti-Kay; Capacasa, Jon; Lueckenhoff, Dominique; Miller, Linda; Libertz, Catherine; Ryan, Daniel; D'Andrea, Michael
Subject: WV - Freedom Chemical Spill -LEG UPDATE

Sens. Joe Manchin and Jay Rockefeller, both D-W.Va., and Barbara Boxer, D-Calif., who chairs the Environment and Public Works Committee, said today (Jan. 17) they intend to submit a bill in a response to the chemical spill and water crisis in West Virginia.

Key principles in the proposed Chemical Safety and Drinking Water Protection Act include:

- Requiring regular state inspections of above-ground chemical storage facilities
- Requiring industry to develop state-approved emergency response plans that meet at least minimum guidelines established in this bill
- Allowing states to recoup costs incurred from responding to emergencies
- Ensuring drinking water systems have the tools and information to respond to emergencies.

The West Virginia Legislature began its official inquiries into the January 9 chemical spill at the Freedom Industries site in Charleston, West Virginia, this morning by convening the Joint Legislative Oversight Commission on State Water Resources committee this morning (January 17).

The committee is co-chaired by Sen. John Unger (D-Berkeley) and Del. Mike

Mannypenny (D-Taylor) (Mannypenny is himself already a plaintiff in a federal lawsuit over the spill). It is an interesting coincidence that neither of these legislators represents a county that was affected by the spill - both do have a history of involvement in environmental issues.

Dr. Paul Ziemkiewicz, Director of the West Virginia Water Research Institute at WVU told the committee:

- his calculations suggest the hole in the tank was underground and material leak lasted over 15 hours
- the spill could have been avoided had a proper secondary containment system been in place (the existing system failed)
- hinted at incompetence by WV American Water "this is the first time I've ever heard of a water system shut down because of a chemical spill."

Brian Stanley, who represents union workers who paint chemical storage tanks described a combination of age and neglect deficiencies that promoted settling, corrosion, and ultimately failure of the tank. Mr. Stanley said he's familiar with hundreds of similar storage tanks around the state and characterized their overall condition as "old and often neglected," and recommended more inspections and corrosion mitigation.

On Wednesday, (Jan 15) Sen. Unger introduced a bill that would require permits (and inspections) to operate above-ground storage tanks. The bill was double-referenced, which often means its being put on a slow track.

On Wednesday (Jan 15) , Freedom Industries CEO Gary Southern suggested to reporters that the hole in the tank was caused by a pipe bursting during last week's record cold temperatures. On Friday (Jan 17) Southern announced the company would file for bankruptcy, but remain committed to the ongoing clean-up.

Mark Ferrell

EPA Region 3

Office of State and Congressional Relations

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